## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

CHRIS CHURNEY,	)
Plaintiff,	)
	) Case No.12 CV 6864
v.	)
	) The Honorable
CHICAGO HOUSING AUTHORITY,	) Judge James F. Holderman
a municipal corporation,	)
	)
Defendant.	)

## CHICAGO HOUSING AUTHORITY'S MOTION TO DISMISS PLAINTIFF"S

## COMPLAINT PURSUANT TO FRCP 12(b)(6)

**NOW COMES** the Defendant, CHICAGO HOUSING AUTHORITY, a municipal corporation ("CHA"), by the Chicago Housing Authority's Office of the General Counsel, moves this Honorable Court to enter an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Plaintiff's Complaint with prejudice for failure to state a claim upon which relief may be granted. In support of its motion, the CHA filed a supporting memorandum of law and states as follows:

- 1. On or about August 27 2012, Plaintiff Chris Churney ("Churney") filed a (3) three-count complaint at law ("Complaint") seeking redress arising from Defendant CHA's alleged violations of the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3604(f), Section 504 of the Rehabilitation Act, 29 U.S.C. § 794) and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132 and 28 C.F.R. § 35.130(b)(7).
- 2. Rule 12(b)(6) of the Federal Rules of Civil Procedure permits a court to dismiss a case where the plaintiff fails to state a claim upon which relief can be granted. Fed.R.Civ.P. 12(b)(6).

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3. Count I seeks recovery under Fair Housing Act, 42 U.S.C. § 3604(f)(3)(B),

4. Count II seeks recovery under Section 504 of the Rehabilitation Act, 29 U.S.C. §

794(a).

5. Count III seeks recovery under Title II of the Americans with Disabilities Act, 42

U.S.C. § 12132 and 28 C.F.R. § 35.130(b)(7).

6. Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff's Complaint fails to

state a single claim upon which relief can be granted; and thus, the entirety of Plaintiff's

Complaint should be dismissed with prejudice. Fed. R. Civ. P. 12(b)(6).

7. The CHA has filed a Memorandum of Law and exhibits in support of this motion.

WHEREFORE, for all of the foregoing reasons and for the reasons stated in its

supporting memorandum of law, Defendant Chicago Housing Authority, respectfully moves this

Honorable Court to strike and dismiss Plaintiff Chris Churney's Complaint with prejudice

pursuant to Federal Rule of Civil Procedure 12(b)(6) and for all other relief that this Court deems

just.

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